



# U.S. DEPARTMENT of STATE

## Guinea

### Country Reports on Human Rights Practices - [2003](#)

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Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984 first as head of a military junta and since 1994 as a civilian president. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest, widespread irregularities, and the arrest and detention of major opposition candidates during vote counting. The country's second legislative election, originally scheduled for 1999, was held in June 2002. President Conte's Party of Unity and Progress (PUP) and associated parties won 91 of the 114 seats; the majority of the opposition boycotted the election. Despite openly acknowledged health problems, the President ran for re-election in December, winning against a relatively unknown candidate. All major opposition parties boycotted the election due to questions over the fairness of the electoral system. The election was peaceful although turnout was lower than previous presidential elections, despite government claims of a high participation rate. An increasingly disproportionate number of appointed public sector positions, including senior military and cabinet posts, were held by members of the President's own minority ethnic Soussou group. The judiciary was subject to executive influence, particularly in politically sensitive cases.

The Gendarmerie and the national police share responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. Members of the Presidential Guard are accountable to virtually no one except the President. There was no effective civilian control of the security forces, whose members committed serious human rights abuses; however, there were fewer reported abuses than in previous years.

The country's economy is largely market-based, although the Government intervenes to control prices of sensitive commodities such as rice. Approximately 85 percent of the country's population of 7.6 million was engaged in subsistence agriculture. More than 80 percent of export earnings came from mining, particularly bauxite, gold, and diamonds. Economic growth lagged during the year as foreign aid declined. The cost of living as well as frequent and severe power blackouts and water shortages have led to increased hardship for a majority of citizens. Wages have not kept pace with the rising inflation rate, leading to higher costs of food. Increases in the price of fuel sparked a week of civil unrest in Conakry in March. Government collaboration with donors was complicated by additional defense spending; widespread corruption, particularly at the port and customs offices; and limited transparency in the Government, which blocked efforts at economic and fiscal reform.

The Government's human rights record remained poor; although there were improvements in several areas, serious problems remained. The Government's tight control of the electoral process, its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. There were three unlawful killings by security forces during the year. Civilian and military security forces beat and otherwise abused civilians. Members of the security forces committed abuses, often with impunity. Prison conditions were inhumane and life threatening. Arbitrary arrest and prolonged pretrial detention were problems. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and association and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination, child labor, and reports of trafficking of women and children continued.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, security forces killed several persons during the year, and there were reports of deaths in custody due to torture and abuse. There were three confirmed reports that security forces killed persons during the year. Police killed two men during a demonstration during the year (see Section 2.b.).

In April, police killed a man in Yimbaya. There were no reports of any arrests.

In May, seven gendarmes arrested and beat a man in Donka; he died 2 days after hospitalization. A gendarme was arrested after protests from the victim's family but there was no information on his trial. Gendarme officials also paid compensation to the family.

There were no developments in the 2002 killing of a man by a military patrol or the 2002 killing of a man in Kouroussa by army troops.

No action was taken against prison officials who mistreated refugees in 2001.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then-President Sekou Toure. Following visits during 2001 to Camp Boiro, where political prisoners were held during the Sekou Toure regime, human rights groups and NGOs suggested that an intentional lack of maintenance and upkeep was destroying evidence of the camp's former use.

Many victims of crime feared that they might never receive justice because of judicial corruption and at times resorted to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, were beaten to death or burned by their victims or others after being soaked with a flammable liquid.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employed other forms of brutality, including holding prisoners incommunicado without charges under inhumane conditions. In June, a police unit called the Anti-Criminal Brigade in Kamsar extorted money from persons, claiming it was a tax for elections.

In May, a drunken policeman shot a man in Wanidara. There were no reports that the policeman was arrested.

In June, police beat two men attending a party in Ratoma and forced them to pay bribes. The men were hospitalized.

In July, police arrested and beat four persons in Gonomanota due to the town's nonpayment of taxes.

Unlike in previous years, there were no reports of sexual assaults on refugees during the year. However, in February, a diplomatic observer reported that the military stripped a young male refugee and searched him for tattoos, scarification, or other signs of connection with dissidents or Revolutionary United Front (RUF) forces at the Thuo border crossing point.

No action was taken against security forces responsible for abusing refugees in 2002.

Prison conditions were inhumane and life threatening. Neglect, mismanagement, and lack of resources were determined by one NGO to be main reasons for the problems. While officials provided a basic diet for prisoners, most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for allowing delivery of food to those incarcerated. Standards of sanitation remained poor, which resulted in several dozen deaths due to malnutrition and disease in previous years; there were no confirmed reports of deaths during the year. Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being

denied food and a place to lie down.

Conditions in the Nzerekore prison improved during the year. The prison was built in 1932 to house 70 prisoners and housed 155 prisoners during the year. Installation of indoor plumbing and better ventilation improved overall conditions for prisoners. In addition, catering services for the prisons in Kindia and Kankan were changed after the Ministry of Justice received complaints about inadequate diets for prisoners at both locations.

Men and women were housed separately, but juveniles generally were housed with adults. There were credible reports from prisoners that female inmates were subjected to harassment and sexual assault by guards. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. At times, detainees remained in prison for up to 2 years without trial. Prisoners of political importance usually were held in the main prison in Conakry with the general prison population; however, they were housed in separate cells.

The Government permitted prison visits by the International Committee of the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. A former prisoner reported that without this assistance, those who did not have families or friends would have starved to death.

The ICRC reported that it was allowed regular access to all 33 official detention facilities and 2,500 prisoners during the year. The ICRC was encouraged by the response of the prison and security authorities to ICRC initiatives in improving prison facilities in Conakry, N'zerekore, and Kankan.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, security forces regularly used arbitrary arrest and detention. The Code of Penal Procedure permits only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well. In practice, administrative controls over the police were ineffective, and security forces rarely followed the Penal Code. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks (see Section 2.d.).

The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. The Constitution proscribes incommunicado detention; however, at times it occurred in practice. The law provides for access by attorneys to their clients, but authorities frequently did not respect this provision. Release on bail was at the discretion of the magistrate who had jurisdiction.

The Penal Code strictly forbids the detention of civilians at military camps; however, this provision largely was ignored.

In February, military personnel arrested and detained 30 students at the University of Kankan at a military base for 1 day (see Section 2.a.).

In March, the military detained two persons in Conakry and accused them of being in a forbidden area. They were released the following day from the Gendarmerie after payment of a bribe.

In November, gendarmes detained an unknown number of active and ex-military personnel for unspecified reasons. Several, including the son of the former head of the National Assembly, were released in December, although others continue to be detained.

There were no reports that authorities arrested journalists during the year.

The army and the Gendarmerie continued to detain refugees during the year (see Section 2.d.).

Bar Association attorneys, the independent press, and government sources described in past years a parallel and covert system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained

suspects, and used torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). The detentions of an unknown number of active and former military in late November have highlighted the possible use of this covert system. No official charges or reasons for the detentions have been provided and the detainees have been prevented from meeting with family members. The detainees have been held at a variety of locations in Conakry and a few were released in December.

The Constitution does not prohibit forced exile; however, the Government did not practice forced exile. Several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile, according to their families.

#### e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely deferred to executive authorities in politically sensitive cases. Magistrates were civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential members of the Government often were, in effect, above the law. Judges often did not act independently, and their verdicts were subject to outside interference. Influential persons often intervened on behalf of their relatives to affect the disposition of a case.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. Civilians were not subject to military tribunals.

The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open to an appeal only on a point of law, not for the re-examination of evidence.

The judicial system was plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment.

President Conte named Mamadou Sylla the new Minister of Justice in April after the previous Minister attempted to dissolve the Bar Association in 2002.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of "wise men." The dividing line between the formal and informal justice systems was vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carries less weight (see Section 5).

Opposition leader Alpha Conde's right to vote and run for political office was restored in a general amnesty granted by the National Assembly in November. The amnesty reportedly restores similar political rights to other former political prisoners.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and the law requires judicial search warrants; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals. Police and the military frequently detained persons at nighttime roadblocks for purposes of security but also to extort money or goods. Abuses declined during the year after the Government limited the use of nighttime roadblocks in urban areas such as Conakry.

In February, military personnel entered a home in Kankan without a judicial search warrant in search of student strike leaders. Five persons were detained and released the following day. Also in February, military personnel searched the offices of a foreign NGO in Kankan without a judicial search warrant.

Security officials were believed widely to monitor the mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

Unlike in previous years, authorities did not relocate refugees.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government broadly restricted these rights. The Government prohibited talk or chants in public that it considered seditious, established defamation and slander as criminal offenses, and prohibited communications that insulted the President; incited violence, discrimination, or hatred; or disturbed the public peace. Sanctions include fines, revocation of press cards, imprisonment, and banishment.

On November 13, opposition politician Jean Marie Dore was detained for 2 days after criticizing the President in a radio interview.

The Government published an official newspaper, the daily *Horoya*, and operated the official television and radio (ORTG) stations. The state-owned media provided extensive and favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. For example, the Government and the PUP used the state-owned media to campaign for constitutional changes to allow a third term for President Conte. Journalists for the official press practiced self-censorship and avoided reporting on politically controversial issues. However, some younger broadcast journalists for the official press reported critically about the Government.

There was a vocal private press that criticized the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Seven private newspapers were published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating costs impeded regular publication. One newspaper, *L'Espoir*, was affiliated with the governing political party, and several other newspapers were affiliated with opposition parties. Other newspapers offered news and criticism of both the Government and the opposition. Despite the limited reach of the print media due to low literacy rates and high prices of newspapers, the Government still occasionally criticized and harassed print journalists.

The Government owned and operated all domestic broadcast media including radio, which was the most important source of information for the public. Although the law permits private electronic media, the Government has never approved license requests for private radio and television stations, on the grounds of national security. Many citizens listened regularly to foreign-origin short-wave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services.

Political tracts occasionally circulated in Conakry and other urban areas. Some tracts supported the Government, while others specifically criticized senior officials. Foreign publications, some of which criticized the Government, often were available.

In December 2002, the Government suspended three newspapers--*Croisade*, *Diplomate*, and *Defi*--for unspecified reasons. The newspapers have since renewed operation.

The government-controlled press promoted ruling party candidates during the June 2002 legislative elections. Opposition parties were allowed 5 minutes on government television and radio per party per night during the final month leading up to the election.

Unlike in previous years, there were no reports that journalists were arrested.

The Government did not restrict access to the Internet. At year's end, there were four domestic service providers, three private and one affiliated with SOTELGUI, the joint venture telephone company (owned by the Government and a Malaysian telecommunications firm), which held a monopoly on international telephone lines. Storefront operations offering Internet access were common throughout downtown Conakry; however, a lack of reliable telephone lines restricted home access, even for the few who could afford it.

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general, teachers were not subject to classroom censorship.

In February, security forces detained students at the University of Kankan after the university's rector refused to recognize a student organization. Thirty students were detained and released after 1 day. Military personnel were reportedly responsible for burning down a student dormitory during the same month.

#### b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, and the Government exercises its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires 72-hour advance notification of public gatherings, otherwise the events are considered illegal. In July, the Government notified all political parties that their leadership was required to provide advance notification of their attendance at funerals, weddings, or any other gathering with a large number of citizens.

In May, the Government convoked Sidya Toure, president of the opposition party Union of Republican Forces, three separate times for questioning following a series of political meetings his political party held in Conakry. Authorities detained 10 Guinean People Party (RPG) members at their party headquarters in Banankoro. They were released after 1 month.

In July, the Government cancelled the opposition RPG's conference, deported visiting guests, and forcibly dispersed demonstrators who were protesting the actions. Despite the opposition party's denials, the Government said it had legally cancelled the conference.

The Government banned all street marches except funerals. The law permits local authorities to cancel a demonstration or meeting if they believe it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues. The Governor of Conakry requires written permission from his office for public meetings of all associations, NGOs, groups, cooperatives, and political parties. The requirement continued to be enforced during the year.

Police and gendarmes dispersed a series of unauthorized demonstrations during the year; however, no deaths were reported. In January and February, high school students demonstrated in Conakry against the increase of taxi and electricity rates. The demonstrations turned into riots, and a few buildings were damaged. The Ministry of Security claimed political party activists orchestrated the disturbances and donned school uniforms to give the demonstrations the appearance of student protests.

The law provides for freedom of association; however, the Government restricted this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public social, cultural, religious, or political associations. Most of the restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognized them.

#### c. Freedom of Religion

The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respected these rights in practice.

The government-sponsored National Islamic League (NIL) represented the country's Sunni Muslim majority, which comprised 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax exemptions and energy subsidies. Missionary groups were required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

Government support of the powerful, semi-official NIL led some non-Muslims to complain that the Government used its influence to favor Muslims over non-Muslims, although non-Muslims were represented in the Cabinet, administrative bureaucracy, and the armed forces. The Government refrained from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

Relations among the various religions generally were amicable; however, in some parts of the country, Islam's dominance was such that there was strong social pressure that discouraged non-Muslims from practicing their religion openly.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Police and security forces frequently detained persons, particularly late at night, at military roadblocks and extorted money from them. The private press and local NGOs reported that travelers often were pressured to pay bribes to allow passage. The Government largely discontinued these roadblocks during the year, with the exception of areas near the borders of Liberia and Cote d'Ivoire as well as some roads near the capital. Government officials stated that a few rogue soldiers were corrupt; however, abuse at official checkpoints was systemic.

According to the Government, as of early 2002, there were 82,000 internally displaced persons remaining in the country as a result of the 2000 and 2001 border attacks by RUF rebels from Sierra Leone and by Liberian forces.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government did not always provide protection against refoulement and grant refugee status or asylum.

The border with Liberia remained officially closed during the year; however, the Government continued to accept refugees. There was a pattern of accepting refugees from neighboring countries, such as Cote d'Ivoire and Liberia, while denying access to other nationals. In January, the Government turned away third country nationals from Burkina Faso, Mali, and other West African countries fleeing fighting in Liberia or Cote d'Ivoire after the International Organization for Migration (IOM) was unable to finance their repatriation. The Government subsequently accepted such persons after IOM's funding was restored.

Unlike in previous years, there were no reports that security forces turned away young Liberian men suspected of being combatants.

The border with Sierra Leone remained officially closed during the year. Local commercial and personal travel between the countries was permitted, and Sierra Leonean refugees residing in the country officially were allowed to return to Sierra Leone both on their own and under the auspices of the U.N. High Commission for Refugees (UNHCR).

The UNHCR stated that as of December more than 240,000 Liberian, Ivorian, and Sierra Leonean refugees resided in the country. Of these refugees, 111,465 (89,408 Liberians, 15,002 Sierra Leoneans, and 7,055 Ivorians) were under UNHCR protection in camps, with the remainder living in Conakry or villages and towns in the forest region. Sierra Leonean refugees repatriated voluntarily during the year.

In July, the Government announced that all refugees in Conakry needed to return to refugee camps after six refugees attacked a UNHCR official. The Government said that the transfer was voluntary and delayed setting a deadline after intervention by the UNHCR. Liberian and Sierra Leonean expatriates became concerned that the transfer could lead to the expulsion of all refugees from the capital. A large-scale transfer of refugees from Conakry was not initiated by year's end.

There were some reports that refugees were forced to pay bribes to get past many checkpoints. Security forces continued to arrest suspected rebels at the border as they tried to enter the country. Security forces, searching for tattoos and other marks identifying rebels, searched and stripped refugees in public during the year. In July, authorities arrested six refugees following their attack on a UNHCR official. They were released from custody and awaiting trial at year's end. In 2001, authorities arrested 52 persons reportedly after refugees in the Telikoro camp attacked a group of gendarmes inside the camp; the protection office of the UNHCR reported that they were no longer in custody at year's end. Unlike in previous years, there were no reports that refugees died in detention.

There were no reports during the year that U.N. employees sexually abused or exploited refugees.

There were reports from NGOs and the UNHCR that the Liberians United for Reconciliation and Democracy (LURD) forcibly recruited refugees at camps in Guinea. There also were confirmed reports that government soldiers at some border crossing points were cooperating with the Liberian dissident movement LURD to screen refugees for forced recruitment. In response to a UNHCR request, in January the Government agreed to relocate refugees from Kouankan to camps near Kissadougou that were farther from the Liberian border. The relocation began in May but was suspended due to the changing political situation in Liberia and due to improved security inside the camp.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N Convention Related to the Status of Refugees or its 1967 Protocol.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a popularly elected President and National Assembly; however, the ability of citizens to exercise this provision effectively was restricted. The Government tightly controlled of the electoral process, and there was no independent electoral oversight mechanism.

The Government continued to dominate the electoral process and refused to establish an independent national election commission. The Government retained exclusive control of all registration and election procedures, including the casting and counting of votes. The Government controlled both the 1993 and the 1998 multiparty presidential elections and the multiparty legislative elections in 1995 and 2002, limiting the opposition to a subordinate role. In 2001, the Constitution was amended to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years, in a referendum some observers believe was flawed. There were approximately 46 legally recognized political parties; deputies of 5 different parties were represented in the National Assembly.

According to the Government's tabulation of results, President Conte was elected in 1998 to a second 5-year term, receiving 56 percent of the 2.7 million votes cast. The election was marred by violence and disruption of opposition campaigning before the polling, civil unrest after the polling, widespread irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process. In December, President Conte was re-elected to a third term in a race boycotted by all major opposition parties due to concerns over the electoral system. The President's only opposition was a relatively unknown candidate previously allied with the ruling PUP party. The election was peaceful with few reports of violence.

In June 2002, legislative elections were held, and observers judged the results to be questionable due to a lack of transparency and neutrality in the electoral process.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials were members of the PUP or of parties allied with it. Local governments generally had limited autonomy. Although they had some financial resources with which to fund local programs, most of their funds were controlled by the central Government.

There were 19 female deputies in the 114-member National Assembly. Three women held seats in the 26-member Cabinet: The Minister of Commerce; the Minister of Tourism; and the Minister of Social Affairs and Promotion of Women. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. Women played a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the President's ethnic group.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, some local organizations alleged that government officials tried to intimidate them, and that they often met resistance when trying to investigate abuses or engage in civil education. Various government officials blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984.



The Government cooperated with both the UNHCR and the ICRC. In June, a report by a U.N. Security Council mission criticized the Government for complicity in abuses of Liberian refugees through its support of LURD rebels. LURD rebels were accused of forced recruitment of Liberian refugees, as well as infiltration of refugee camps such as Kouankan.

A human rights office within the Ministry of Defense, the Office of International Humanitarian Rights, in conjunction with the ICRC, conducted human rights seminars during the year to teach military personnel about human rights recognized by international and regional agreements.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government did not enforce these provisions uniformly.

##### Women

Domestic violence against women was common, although estimates differed as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes. Social beliefs prevented most rape victims from reporting incidents of rape. Several local NGOs were working to increase public awareness of the nature of these crimes and to promote increased reporting. The Government did not pursue vigorously criminal investigations of alleged sexual crimes.

FGM was practiced widely in all regions and among all religious and ethnic groups. FGM is illegal and senior officials and both the official and private press spoke against the practice; however, there were no prosecutions. FGM was performed on girls and women between the ages of 4 and 70, but exact figures on this procedure were difficult to establish. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of women and girls subjected to FGM. The CPTAFE estimated the figure to be between 65 and 75 percent; however, expert estimates varied between 65 and 90 percent. Infibulation, the most dangerous form of FGM, still was performed in the forest region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continued, seriously affecting many women's lives. FGM also increased the risk of HIV infection since unsterilized instruments were shared among participants.

The Government made efforts to educate health workers on the dangers of this procedure, and it supported the CPTAFE's efforts. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. In 1997, the Government, in collaboration with the World Health Organization, initiated a 20-year program to eradicate FGM. As a result, government ministers, health officials, and the media have discussed FGM more frequently; however, there were no statistics evaluating the success of the program.

A growing number of men and women opposed FGM. Urban, educated families were opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. During the year, the CPTAFE held large public ceremonies celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who performed FGM opposed its eradication since the practice was lucrative.

There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

Although the Government made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complained of frequent sexual harassment.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion worked to advance such equality; however, women faced discrimination throughout society. Women faced discrimination particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over females. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tended to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than testimony by men, in accordance with Islamic precepts and customary law. The Government affirmed the principle of equal pay for equal work; however, in practice, women received lower pay than men.

## Children

The Constitution provides that the Government should support children's rights and welfare, and the Government allocated a significant percentage of the budget to primary education; however, the Government did not spend the allocated funds. A Minister of Youth was charged by the President with defending women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGOs, and other sectors, continued to work.

The Government provided tuition free, compulsory primary school education for 6 years; however, enrollment rates were low due to school fees and lax enforcement of laws mandating school attendance. Approximately 51 percent of all eligible students were enrolled in primary school, including 66 percent of eligible boys compared with 37 percent of eligible girls. Girls often were taken out of school and sent to work to help pay for their brothers' education.

FGM was performed commonly on girls (see Section 5, Women).

The legal age for marriage is 21 years for men and 17 years for women; however, underage marriage was a problem. Parents contract marriages for girls as young as 11 years of age in the forest region. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, promoted an education campaign to discourage underage marriage.

There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

## Persons with Disabilities

There are no special constitutional provisions for persons with disabilities. The Government has not mandated accessibility for persons with disabilities, and few persons with disabilities worked, although some developed opportunities in the informal sector in small family-run businesses.

## National/Racial/Ethnic Minorities

The country's population was ethnically and regionally diverse. No single ethnic group constituted a majority nationwide. The largest ethnic groups were the Puhlar, also called Peuhl or Fulani (approximately 40 percent of the population), the Malinke (approximately 30 percent), and the Soussou (approximately 20 percent). Each group spoke a distinct primary language and was concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification was strong. Mutual suspicion, both inside and outside the Government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UPR's main base are the Peuhls, while the RPG's main base are the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region were major sources of political tensions that sometimes have erupted into violence.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right of employees to form independent labor unions, and the Government generally respected this right in practice. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics made it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 were government workers and thus automatically members of the government union. The rest were engaged in private, mixed, and informal sectors. The largest independent union, Union of Workers of Guinea (USTG), claimed 64,000 members, 18,000 of which were women. Union delegates represented individual and

collective claims and grievances with management.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in unions and develop their individual and collective rights as workers. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

There were several trade unions and labor confederations; the National Confederation of Guinean Workers (CNTG) remained the largest confederation. CNTG was an umbrella organization for 16 individual unions of government employees, each of which was affiliated with a government ministry. The Government indirectly funded the CNTG, although dissident members sought to increase the Confederation's freedom from government control. Independent unions and confederations gained popularity, such as the Free Union of Teachers and Researchers of Guinea (SLECG), the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea.

The Constitution and Labor Code also prohibit anti-union discrimination. However, at regional and prefecture levels, unionized labor faced strong opposition from government officials. Union officials were selected on the basis of nepotism and patronage; these individuals were not sensitized to the rights of workers, and often viewed unions as an enemy of the Government. As a result, union activities in the interior of the country faced harassment and interference from many governors and prefects. Union activities in Conakry faced less harassment and interference. Individual workers threatened with dismissal or other sanctions had the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convened weekly to hear such cases. In the interior, civil courts heard labor cases.

The Government continued to pay the travel and lodging expenses of CNTG representatives to International Labor Organization (ILO) conferences. Other independent unions had to fund their own attendance at ILO conferences.

Unions affiliated freely with international labor groups such as the ILO.

#### b. The Right to Organize and Bargain Collectively

Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Employers established rules and hours of work in consultation with union delegates.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services," which include hospitals, radio and television, army, police, communications, and transport services.

Strikes were sometimes met with intimidation from security forces and, as a result, often did not take place. During the year, workers at a Russian-owned bauxite mining company in Kindia went on strike due to pay and benefit grievances. SLECG and the Guinean Education Union (FSPE) went on strike for 1 week in November over salary grievances. The strike ended after both parties reached an agreement. A 2-day nationwide strike by the Federation of Independent Bank and Insurance Unions of Guinea in November ended after employers and workers reached a settlement.

There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The Labor Code specifically prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 6.d. and 6.f.).

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor, which carries a penalty of 6 months to 5 years imprisonment and a fine of approximately \$25 to \$150 (50,000 to 218,400 300,000 GF francs). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to 5 years imprisonment and a fine of approximately \$25 to \$250 (50,000 to 500,000 GF francs). The Government did not enforce these provisions of the law in practice.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Child labor was a serious problem. According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 were not permitted to work at night, for more than 10 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice, enforcement by ministry inspectors was limited to large firms in the modern sector of the economy. Overall, approximately 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sector areas of subsistence farming, and small-scale commerce and mining. Girls as young as age 14, engaged in prostitution (see Section 6.f.).

Many young Muslim children sent to live with a Koranic master for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. However, if the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board (see Section 6.f.).

The worst forms of child labor were found in the artisanal mining sector where children hauled granite and sand for little or no money.

There were reports that forced and bonded child labor occurred (see Section 6.f.).

The Government has spoken out against child labor, but lacked the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers did not have access to education or health care; they suffered from chronic malnutrition, traumatic stress, and depression.

#### e. Acceptable Conditions of Work

The Labor Code allows the Government to set a minimum hourly wage; however, the Government has not exercised this provision nor does it promote a standard wage. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also were provisions in the Code for overtime and night wages, which were fixed percentages of the regular wage.

The Labor Code mandates that regular work should not exceed 10-hour days or 48-hour weeks, and a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice, the authorities enforced these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health; however, enforcement efforts were sporadic. Labor inspectors acknowledged that they did not have adequate resources to cover even Conakry, much less the entire country.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty; however, many workers feared retaliation should they refuse to work under unsafe conditions.

The law applies to all workers in the country, regardless of nationality; however, the law does not define whether it applies to persons working in the country illegally.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were some reports of trafficking. The law carries a penalty of 5 to 10 years imprisonment and confiscation of any money or property received as a result of trafficking activities; however, some NGOs in the past reported that women and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas to urban centers increasingly was recognized as a problem. Accurate statistics were difficult to obtain, because victims did not report the crime in fear for their personal safety.

A UNICEF official reported that trafficking in children was common in the country. In November, police detained five minors after learning they were being trafficked from Mali with the promise of jobs in Conakry as housemaids. The young girls were repatriated back to Mali.

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, were involved in anti-trafficking efforts.

In 2001, the Children's Protection Division and UNICEF reported that trafficking of children was a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls were exploited for domestic labor, and boys were exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often did not receive adequate food, shelter and clothing, and were compelled to work in the streets, sometimes as prostitutes, for their subsistence.

Girls under the age of 14 were involved in prostitution. The Government did not take action when prostitution of minors was brought to its attention, and it did not monitor actively child or adult prostitution.